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Attorney for Defendant James Nick Foster

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON
Portland Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES NICK FOSTER,

Defendant.

NO. CR 11-86-1 BR

**MOTION FOR SUBSTITUTION
OF COUNSEL AND
DECLARATION OF COUNSEL**

The defendant, James Nick Foster, now comes before the court to move this Court for an Order withdrawing Mark Austin Cross as counsel of record and substituting new counsel

of record in all future proceedings in the above-captioned case.

This motion is supported by counsel's declaration below.

DATED this 26th day of May 2011.



MARK AUSTIN CROSS, OSB NO. 79199
Attorney for Defendant James Nick Foster

DECLARATION OF COUNSEL

I, MARK AUSTIN CROSS, hereby declare the following to be true and accurate to the best of my knowledge:

1. I am the attorney of record for, James Nick Foster, defendant in the above-captioned case, having been appointed by the Hon. Anna J. Brown on or about March 25, 2011.
2. In the course of my representation of Mr. Foster, I have become aware of a personal conflict which substantially interferes with my ability to provide Mr. Foster with the objective and professional representation required of me. I want to emphasize that my personal conflict is not the result of any actions, statements, or behavior by or of Mr. Foster.
3. Mr. Foster is presently out of custody under the supervision of United States Pretrial Services for the District of Oregon.



MARK AUSTIN CROSS